

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ROOSEVELT LESHAWN
WILLIAMS #541415,

Plaintiff,

File No. 2:08-CV-43

v.

HON. ROBERT HOLMES BELL

CHARLES MUMMA, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER
ADOPTING THE REPORT AND RECOMMENDATION

On April 15, 2008, the Magistrate Judge issued a Report and Recommendation (“R&R”), recommending that Plaintiff Roosevelt Leshawn Williams’s 42 U.S.C. § 1983 prisoner civil rights action be dismissed pursuant to 28 U.S.C. §§ 1915(e)(2), 1915A(b), and 42 U.S.C. § 1997e(c) for failure to state a claim. (Dkt. No. 6, R&R.) Plaintiff filed objections to the R&R on April 30, 2008. (Dkt. No. 7, Pl.’s Objs.)

This Court is required to make a *de novo* review of those portions of an R&R to which specific objections are made, and may accept, reject, or modify any or all of the Magistrate Judge’s findings or recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

The Magistrate Judge recommended that Plaintiff’s complaint be dismissed for failure to state a claim. In addition to objecting to the R&R, Plaintiff has also filed a motion to amend his complaint. (Dkt. No. 8, Pl.’s Mot. to Am.)

Plaintiff objects to the Magistrate Judge’s statement that “Plaintiff’s complaint is entirely conclusory and is not supported by sufficient facts to deserve serious consideration.” (R&R 3

(citations omitted).) Plaintiff does not identify any particular parts of his complaint where he alleged sufficient facts or otherwise explain how the Magistrate Judge's statement is incorrect. Plaintiff's complaint alleges each defendant violated policy. For some of the defendants, Plaintiff indicates that the alleged violation of policy was the filing of falsified documents. Plaintiff also includes the date and location of the violation for many of the alleged violations. However, Plaintiff's complaint does not provide any further detail. Plaintiff has attached copies of minor misconduct violations, major misconduct violations, and various prison policies to his complaint. The attached documents do not further illuminate the basis of Plaintiff's claims against Defendants. Plaintiff's motion to amend does not offer any additional facts. The motion merely seeks to indicate additional constitutional and statutory provisions under which Plaintiff asserts claims, without any explanation of the basis of those claims. Plaintiff's complaint, even if amended as Plaintiff seeks, is comprised of conclusory statements. Therefore, Plaintiff's objection to the R&R will be denied.

With respect to Plaintiff's motion to amend, in order to assess a motion to amend the Court "must have before it the substance of the proposed amendment." *Roskam Baking Co. v. Lanham Mach. Co.*, 288 F.3d 895, 906 (6th Cir. 2002) (citing *Kostyu v. Ford Motor Co.*, No. 85-1207, 1986 WL 16190, at *2 (6th Cir. July 28, 1986) (unpublished)). Plaintiff's motion to amend only states that Plaintiff wants to add the following to his complaint:

Violation of the Equal Protection Clause; Due process of Rights The violation of 42 U.S.C. Sec 2000cc and the violation of 42 U.S.C. Sec 2000dd. Along with a few other Constitutional Rights.

(Pl.'s Mot. to Am. 1.) Plaintiff's motion to amend does not allege any facts or further articulate the basis of his claims. As Plaintiff's motion to amend does not provide the substance of the amendment Plaintiff seeks to make, Plaintiff's motion to amend the complaint will be denied.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's objection to the Report and Recommendation of the Magistrate Judge (Dkt. No. 7) is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (Dkt. No. 6) is **APPROVED** and **ADOPTED** as the opinion of this Court.

IT IS FURTHER ORDERED that Plaintiff's motion to amend (Dkt. No. 8) is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff Roosevelt Leshawn Williams's complaint is **DISMISSED** for failure to state a claim pursuant to 28 U.S.C. §§ 1915(e)(2), 1915A, and 42 U.S.C. § 1997e(c).

IT IS FURTHER ORDERED that this dismissal shall count as a **STRIKE** for purposes of 28 U.S.C. § 1915(g).

IT IS FURTHER ORDERED that the Court finds no good-faith basis for appeal within the meaning of 28 U.S.C. § 1915(a)(3).

Date: June 23, 2008

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
CHIEF UNITED STATES DISTRICT JUDGE